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TECH CENTER 1600/2900**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/464,528
Filing Date	December 15, 1999
Examiner Name	C. Collins
First Named Inventor	S. Carl Falco et al.
Group Art Unit	1646
Attorney Docket Number	BB1205 US NA

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1928.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Lynne M. Christenbury	Registration No. (Attorney/Agent)	30,971
Signature	<i>Lynne M. Christenbury</i>	Date	February 21, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print /Type)	Lisa Z. Turner		
Signature	<i>Lisa Z. Turner</i>	Date	2-21-02

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In the Application of:

SAVERIO CARL FALCO ET AL.

CASE NO.: BB1205 US NA

APPLICATION NO.: 09/464,528

GROUP ART UNIT: 1646

FILED: DECEMBER 15, 1999

EXAMINER: C. COLLINS

FOR: S-ADENOSYL-L-METHIONINE  
SYNTHETASE PROMOTER AND ITS USE IN  
EXPRESSION OF TRANSGENEIC GENES IN  
PLANTSRESPONSEAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is submitted in connection with the Request for Continued Examination of the above-identified application. This response incorporates substantially everything that was in the Response After Final and further clarifies the claims. Reconsideration is respectfully requested and the following is submitted in support thereof.

In the Claims

Kindly amend the following claims:

- C1
1. (twice amended) An isolated nucleic acid fragment comprising:
- a) a promoter having at least 80% identity with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16, or
  - b) a promoter which hybridizes with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16 under moderately stringent conditions.
- C2
7. (twice amended) Seed of the plant as in any one of claims 3-6 wherein said seed comprises in its genome the chimeric gene of claim 2.

Remarks

Claim 1 has been amended to delete reference to a Clustal method of alignment. A number of alignment methods are discussed in the specification. Thus, it seems unnecessary to limit claim 1 to a particular method of alignment. No new matter has been added.